

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

VIWATHNA BHUTHIMETHEE,

Defendant.

Case No. 12-cr-30220-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is defendant Viwathna Bhuthimethee's March 6, 2013 motion to continue trial setting of March 25, 2013 (Doc. 31). The Court orally granted defendant's motion at the in-court *Daubert* hearing held on March 18, 2013. At the hearing, it was indicated to the Court that defendant and counsel require additional time to prepare for trial in light of the Court's denial of defendant's motion in limine regarding Dr. Parran's expert testimony. Specifically, defendant must now consider whether it is necessary to find an expert of his own. Further, the Court notes defendant acknowledged that he was waiving his right to a speedy trial on the record. It is also of note that the Court has previously held this case is so unusual or so complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), due to the voluminous discovery involved and the nature of the allegations (Doc. 12). The government does not object to a continuance.

Thus, the Court finds a need for additional time to resolve various pretrial issues, due to the complexity of the case, the ongoing discovery, and defendant's possible need to find an expert. The Court being fully advised in the premises finds counsel and defendant require additional time to prepare for trial. The Court also finds that to deny a continuance of the matter would result in a miscarriage of justice. Further, the Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, the Court **GRANTS** defendant's March 6, 2013, motion to continue trial setting of March 25, 2013 (Doc. 31). The Court **CONTINUES** the jury trial scheduled for March 25, 2013, to **Monday, August 5, 2013, at 9:00 a.m.** The time from the date the original motion was filed, March 6, 2013, until the date to which the trial is rescheduled, **August 5, 2013**, is excludable time for the purposes of speedy trial.

Finally, should any party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance. Further, the parties shall notify the Court if a change of plea hearing is necessary.

IT IS SO ORDERED.

Signed this 18th day of March, 2013.


Digitally signed by
David R. Herndon
Date: 2013.03.18
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**Chief Judge
United States District Court**